

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20 (d)) of \$_____) disclaiming the required period of time is enclosed herewith.

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. The above-identified application became abandoned for failure to file a timely and proper reply to the Office Action mailed September 8, 2004.


Said action was mailed to Customer No. 25696 instead of to either (1) Lee Van Pelt, Esq., as requested in the Associate Power of Attorney & Change of Address received and entered April 4, 2002 (Attachment A - 1 pg.); or (2) Customer No. 21912 as requested in the Power of Attorney by Assignee and Revocation of Previous Powers received in OIPE on May 28, 2002 (Attachment B - 4 pgs.).

Applicant's representatives filed a change of address for their primary customer number, No. 21912, and mistakenly believed all currently active cases were associated with said customer number when in fact the present application was not.

Additionally, the prior Attorneys of Record received said office action on September 13, 2004 (Attachment C - 1 pg.), but failed to forward same to the undersigned until by correspondence dated July 26, 2005 (Attachment D - 1 pg.).

Enclosures: ☒ Fee Payment
☒ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay.
☐ Other:

Respectfully submitted,


Lee Van Pelt
Reg. No. 38,352

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